



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

009629
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WASHINGTON DC 20036-5869

TM02/1121

11/21/2000

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
007252,790	02/19/99	043	PATEL, J	2164 11/21/00
First Named Applicant: ALAIA, 35 USC 154(b) term ext., = 0 Days.				
TITLE OF INVENTION: METHOD AND SYSTEM FOR CONTROLLING CLOSING TIMES OF ELECTRONIC AUCTIONS INVOLVING MULTIPLE LOTS				

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2 046700-5004	705-037.000	V37	UTILITY	NO	\$1240.00	02/21/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.

09/252,790

Applicant(s)

ALAIA et al.

Examiner

Jagdish Patel

Group Art Unit

2765



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to 11/3/00

☒ The allowed claim(s) is/are 107-115 and 119-152

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☒ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 10

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 12

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

Art Unit: 2164

DETAILED ACTION

Response to Amendment

1. This communication is in response to the applicant's amendment filed 11/3/00.
2. Claims 107, 109, 112, 119, 121, 124 and 128 have been amended per request and claims 105, 106 and 116-118 have been canceled.

Allowable Subject Matter

3. Claims 107-115 and 119-152 are allowed.

The following is an examiner's statement of reasons for allowance:

The claimed inventions pertain to a method or apparatus to control closing times in electronics auction. The following list identifies the most relevant exemplary references pertinent to the claimed inventions:

Fisher et al. (US Pat. 5,835,896) teaches a method and system for processing and transmitting electronic auction information. Fisher et al. fail to address the problem of controlling closing times in an auction.

Walker et al. (US Pat. 5,794,207) teaches a bilateral buyer-driven auction. Walker et al. do not teach or suggest control of bidding closing times in an electronic auction.

Odom et al. (US Pat. 6,058,379) teaches a method of electronic exchange of goods and services via an electronic network. Odom et al. fail to teach or suggest control of closing times in an auction.

Art Unit: 2164

Sairamesh et al ("Economic Framework for pricing and Charging Digital Libraries", D-Lib Magazine, February 1996) teaches that prices and services are offered various time-intervals comprising different opening time and closing times. It fails to teach specific mechanisms for controlling closing times recited in the claimed inventions.

"SOLD! ... TO THE LOWEST BIDDER, Computer Finance, v6, n2, July 1995. This article teaches a method of conducting an online auction between a buyer and a plurality of potential sellers (suppliers) in a format known as RATS (Reverse Auction Tendering System), however it does not teach or suggest a method of controlling bid closing time as claimed.

Reasons for Allowance

4. Claims 107-115, 119-152 are allowed because the identified most relevant prior art of record fails to teach or suggest a method, a computer program product or a system of controlling closing times in an electronic auction having multiple lots which comprises the unique feature recited in the respective claims as listed below:

-- determining whether an overtime trigger condition occurs prior to a first closing time for a first lot, and if so, adding a first overtime interval to the first closing time and calculating a first overtime interval between the extended first closing time and a second closing time of a second lot. (Claims 107-111 and 119-123).

-- determining whether an overtime trigger condition occurs prior to a first closing time for a first lot wherein the overtime condition is at least one of a group comprising a ranking criterion, a quality criterion and a bid group characteristics (claims 112-115 and 124-127).

Art Unit: 2164

--determining whether to extend the second closing time of a second lot based on the extended first closing time of a first lot, setting a third closing time and determining whether to extend the third closing time based on the extended second closing time (claim 128).

--extending closing time of a first lot by an incremental amount of time upon the occurrence of a predetermined lot extension criterion relating to the received bids from potential sellers of a first lot (claims 129-134, 137-142 and 145-150).

--upon the extension of a closing time for a first lot, determining whether a closing time for a second lot is within a predefined time interval from the extended closing time of the first lot, and if time for a second lot is within a predefined time interval from the extended closing time of the first lot extending the closing time of the second lot such that the time between the extended closing time of the second lot and the closing time of the first lot is at least a predefined time interval (claims 135-136, 143-144 and 151-152).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

JNP: 11/14/00



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)

(November, 2000)

NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored¹:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).